UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

GEORGE GUINDON, et al	:	
VS.	:	C.A. NO. 03-335L (Adopting 3rd Amended Master Complaint in C.A. No. 04-312L)
AMERICAN FOAM CORPORATION, et al	:	

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CHARLES AND CAROL SWEET, et al	:	
VS.	:	C.A. NO. 04-56L (Adopting 3rd Amended Master Complaint in C.A. No. 04-312L)
AMERICAN FOAM CORPORATION, et al	:	

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LINDA RODERIGUES, et al	:	
VS.	:	C.A. NO. 04-26L (Adopting 3rd Amended Master Complaint in C.A. No. 04-312L)
AMERICAN FOAM CORPORATION	:	

MOTION TO DISMISS OF DEFENDANT, SURPLEX UNDERWRITERS, INC.

Now comes Defendant, Surplex Underwriters, Inc., and respectfully moves, pursuant to Federal Rules of Civil Procedure, Rule 12(b)(6), to dismiss the claims of the above-captioned plaintiffs against it. The plaintiffs in this matter have adopted the Third Amended Master Complaint in Albert L. Gray, Administrator, et al (Plaintiffs) vs. Jeffrey Derderian, et al (Defendants), C.A. No. 04-312L in its entirety. In response to the Third Amended Master Complaint in Gray, Surplex Underwriters, Inc., filed a Motion to Dismiss and Supporting Memorandum, recorded as Gray docket No. 815. As the Plaintiffs in Tammy Passa, et al v. Jeffrey Derderian, et al, Ronald Kingsley, et al v. Jeffrey Derderian, et al and Andrew Paskowski, et al v. Jeffrey Derderian, et al have adopted and incorporated by reference the Third Amended Master Complaint, in the interest of judicial economy and avoiding unnecessary duplication, Surplex Underwriters, Inc., similarly adopts and incorporates by reference its Motion to Dismiss and Supporting Memorandum filed in Gray and moves that the above-captioned Complaints be dismissed on the same basis.

Respectfully Submitted,
Defendant, Surplex Underwriters, Inc.,
By and Through Its Attorney,

/s/ Bennett R. Gallo, Esq. (#1308)
NOLAN, DAILEY, GALLO,
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CERTIFICATION

I, the undersigned, do hereby certify on this 21st day of August, 2006, that an exact copy of the within Motion was electronically mailed to the individuals list in the attached Exhibit "A":